



Sen. John J. Cullerton

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09500SB2099sam003

LRB095 19297 AMC 49446 a

1 AMENDMENT TO SENATE BILL 2099

2 AMENDMENT NO. _____. Amend Senate Bill 2099, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Lottery Law is amended by adding
6 Sections 7.12, 7.15, and 7.16 as follows:

7 (20 ILCS 1605/7.12 new)

8 Sec. 7.12. Internet pilot program. The Department shall
9 create a pilot program that allows an individual to purchase
10 lottery tickets or shares on the Internet without using a
11 Lottery retailer with on-line status, as those terms are
12 defined by rule. The Department shall adopt rules necessary for
13 the administration of this program. The provisions of this Act
14 and the rules adopted under this Act shall apply to the sale of
15 lottery tickets or shares under this program.

16 Before beginning the pilot program, the Department of

1 Revenue must seek a clarifying memo from the federal Department
2 of Justice that it is legal for Illinois residents and
3 non-Illinois residents to purchase and the private company to
4 sell lottery tickets on the Internet on behalf of the State of
5 Illinois under the federal Unlawful Internet Gambling
6 Enforcement Act of 2006.

7 The Department shall limit the individuals authorized to
8 purchase lottery tickets on the Internet to individuals who are
9 18 years of age or older and Illinois residents, unless the
10 clarifying memo from the federal Department of Justice
11 indicates that it is legal for non-Illinois residents to
12 purchase lottery tickets on the Internet, and shall set a
13 limitation on the monthly purchases that may be made through
14 any one individual's lottery account. Only Lotto and Mega
15 Million games offered by the Illinois Lottery may be offered
16 through the pilot program.

17 The pilot program must be conducted pursuant to a contract
18 with a private vendor that has the expertise, technical
19 capability, and knowledge of the Illinois lottery marketplace
20 to conduct the program. The Department of the Lottery must
21 ensure cooperation from existing vendors for the program.

22 The pilot program shall last for not less than 36 months,
23 but not more than 48 months.

24 Results from the pilot program in terms of sales and
25 profits, as well as biannual reports as to market penetration
26 and controls, shall be used in any calculation of the lottery's

1 potential worth in the case of a lease or sale of the right to
2 operate the lottery.

3 (20 ILCS 1605/7.15 new)

4 Sec. 7.15. Verification of age and residency for Internet
5 program; security for Internet lottery accounts. The
6 Department must establish a procedure to verify that an
7 individual is 18 years of age or older and an Illinois resident
8 before he or she may establish an Internet lottery account and
9 purchase lottery tickets or shares through the Internet
10 program. By rule, the Department shall establish funding
11 procedures for Internet lottery accounts and shall provide a
12 mechanism for each Internet lottery account to have a personal
13 identification number to prevent the unauthorized use of
14 Internet lottery accounts.

15 (20 ILCS 1605/7.16 new)

16 Sec. 7.16. Contracts. The contract with a private vendor
17 to fulfill the program requirements must be separate from
18 lottery contracts existing on the effective date of this
19 Section.

20 The Department shall award contracts for the development
21 and provision of technology and controls to ensure compliance
22 with the age and residency requirements for the purchase of
23 lottery tickets on the Internet pursuant to competitive bidding
24 processes. The technology and controls must include

1 appropriate data security standards to prevent unauthorized
2 access to Internet lottery accounts.

3 Section 10. The Criminal Code of 1961 is amended by
4 changing Section 28-1 as follows:

5 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

6 Sec. 28-1. Gambling.

7 (a) A person commits gambling when he:

8 (1) Plays a game of chance or skill for money or other
9 thing of value, unless excepted in subsection (b) of this
10 Section; or

11 (2) Makes a wager upon the result of any game, contest,
12 or any political nomination, appointment or election; or

13 (3) Operates, keeps, owns, uses, purchases, exhibits,
14 rents, sells, bargains for the sale or lease of,
15 manufactures or distributes any gambling device; or

16 (4) Contracts to have or give himself or another the
17 option to buy or sell, or contracts to buy or sell, at a
18 future time, any grain or other commodity whatsoever, or
19 any stock or security of any company, where it is at the
20 time of making such contract intended by both parties
21 thereto that the contract to buy or sell, or the option,
22 whenever exercised, or the contract resulting therefrom,
23 shall be settled, not by the receipt or delivery of such
24 property, but by the payment only of differences in prices

1 thereof; however, the issuance, purchase, sale, exercise,
2 endorsement or guarantee, by or through a person registered
3 with the Secretary of State pursuant to Section 8 of the
4 Illinois Securities Law of 1953, or by or through a person
5 exempt from such registration under said Section 8, of a
6 put, call, or other option to buy or sell securities which
7 have been registered with the Secretary of State or which
8 are exempt from such registration under Section 3 of the
9 Illinois Securities Law of 1953 is not gambling within the
10 meaning of this paragraph (4); or

11 (5) Knowingly owns or possesses any book, instrument or
12 apparatus by means of which bets or wagers have been, or
13 are, recorded or registered, or knowingly possesses any
14 money which he has received in the course of a bet or
15 wager; or

16 (6) Sells pools upon the result of any game or contest
17 of skill or chance, political nomination, appointment or
18 election; or

19 (7) Sets up or promotes any lottery or sells, offers to
20 sell or transfers any ticket or share for any lottery; or

21 (8) Sets up or promotes any policy game or sells,
22 offers to sell or knowingly possesses or transfers any
23 policy ticket, slip, record, document or other similar
24 device; or

25 (9) Knowingly drafts, prints or publishes any lottery
26 ticket or share, or any policy ticket, slip, record,

1 document or similar device, except for such activity
2 related to lotteries, bingo games and raffles authorized by
3 and conducted in accordance with the laws of Illinois or
4 any other state or foreign government; or

5 (10) Knowingly advertises any lottery or policy game,
6 except for such activity related to lotteries, bingo games
7 and raffles authorized by and conducted in accordance with
8 the laws of Illinois or any other state; or

9 (11) Knowingly transmits information as to wagers,
10 betting odds, or changes in betting odds by telephone,
11 telegraph, radio, semaphore or similar means; or knowingly
12 installs or maintains equipment for the transmission or
13 receipt of such information; except that nothing in this
14 subdivision (11) prohibits transmission or receipt of such
15 information for use in news reporting of sporting events or
16 contests; or

17 (12) Knowingly establishes, maintains, or operates an
18 Internet site that permits a person to play a game of
19 chance or skill for money or other thing of value by means
20 of the Internet or to make a wager upon the result of any
21 game, contest, political nomination, appointment, or
22 election by means of the Internet. This item (12) does not
23 apply to activities referenced in items (6) and (6.1) of
24 subsection (b) of this Section.

25 (b) Participants in any of the following activities shall
26 not be convicted of gambling therefor:

1 (1) Agreements to compensate for loss caused by the
2 happening of chance including without limitation contracts
3 of indemnity or guaranty and life or health or accident
4 insurance.†

5 (2) Offers of prizes, award or compensation to the
6 actual contestants in any bona fide contest for the
7 determination of skill, speed, strength or endurance or to
8 the owners of animals or vehicles entered in such contest.†

9 (3) Pari-mutuel betting as authorized by the law of
10 this State.†

11 (4) Manufacture of gambling devices, including the
12 acquisition of essential parts therefor and the assembly
13 thereof, for transportation in interstate or foreign
14 commerce to any place outside this State when such
15 transportation is not prohibited by any applicable Federal
16 law.†

17 (5) The game commonly known as "bingo", when conducted
18 in accordance with the Bingo License and Tax Act.†

19 (6) Lotteries when conducted by the State of Illinois
20 in accordance with the Illinois Lottery Law. This exemption
21 includes any activity conducted by the Department of
22 Revenue to sell lottery tickets pursuant to the provisions
23 of the Illinois Lottery Law and its rules.†

24 (6.1) The purchase of lottery tickets through the
25 Internet for a lottery conducted by the State of Illinois
26 under the program established in Section 7.12 of the

1 Illinois Lottery Law.

2 (7) Possession of an antique slot machine that is
3 neither used nor intended to be used in the operation or
4 promotion of any unlawful gambling activity or enterprise.
5 For the purpose of this subparagraph (b)(7), an antique
6 slot machine is one manufactured 25 years ago or earlier. ~~†~~

7 (8) Raffles when conducted in accordance with the
8 Raffles Act. ~~†~~

9 (9) Charitable games when conducted in accordance with
10 the Charitable Games Act. ~~†~~

11 (10) Pull tabs and jar games when conducted under the
12 Illinois Pull Tabs and Jar Games Act. ~~† or~~

13 (11) Gambling games conducted on riverboats when
14 authorized by the Riverboat Gambling Act.

15 (c) Sentence.

16 Gambling under subsection (a)(1) or (a)(2) of this Section
17 is a Class A misdemeanor. Gambling under any of subsections
18 (a)(3) through (a)(11) of this Section is a Class A
19 misdemeanor. A second or subsequent conviction under any of
20 subsections (a)(3) through (a)(11), is a Class 4 felony.
21 Gambling under subsection (a)(12) of this Section is a Class A
22 misdemeanor. A second or subsequent conviction under
23 subsection (a)(12) is a Class 4 felony.

24 (d) Circumstantial evidence.

25 In prosecutions under subsection (a)(1) through (a)(12) of
26 this Section circumstantial evidence shall have the same

1 validity and weight as in any criminal prosecution.

2 (Source: P.A. 91-257, eff. 1-1-00.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".